

**IN THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY**

**STATE OF MARYLAND**

\*

**VS**

\*

**Cr. No. C-02-CR-23-001408**

**JAY JASON O'CONNELL**

\*

**Defendant**

\* \* \* \* \*

**ENTRY OF APPEARANCE**

Please enter the appearance of Michele Vignola, Office of the Public Defender, 1700 Margaret Avenue, Annapolis, MD 21401 as attorney for the above Defendant.

**PLEA AND ELECTION OF SPEEDY TRIAL BY JURY**

Defendant, through the Office of the Public Defender, enters a plea of not guilty to the Offense(s) charged in the charging document filed in these proceedings, requests a speedy trial and requests that this matter be scheduled for trial by jury.

**DEFENDANT'S REQUEST FOR DISCOVERY**

The following requests are made in accordance with Maryland Rule 4-263 on behalf of the Defendant in the above-entitled action by the undersigned attorney and are as follows (to the extent this matter is a demand for a jury trial pursuant to Rule 4-301(b)(1)(A), discovery request is made in accordance with Rule 4-262):

a. The requests extend to material and information in the possession or control of the State's Attorney, members of his staff and any others who have participated in the investigation or evaluation of the case and who, either regularly report or, with reference to the particular case, have reported to the State's Attorney or his office.

b. The purpose of these requests is to obtain disclosure of material and information to the fullest extent authorized and directed by Maryland Rule 4-263(or 4-262 for jury trial demands pursuant to Rule 4-301(b)(1)(A)); and this general purpose shall supersede any language or expression, which might otherwise appear to be a limitation upon the object or scope of any request.

c. Material and information discovered by the State's Attorney after his initial compliance with these requests shall be furnished promptly after such discovery in accordance with Maryland Rule 4-263 (or 4-262 for jury trial demands pursuant to Rule 4-301(b)(1)(A)).

d. Captions or headings used to separate paragraphs are not part of the request, but are for convenience only.

Pursuant to Rule 4-263 the State's Attorney shall make disclosure within thirty days after the earlier of the appearance of counsel or the first appearance of the Defendant before the Court. If this matter is a demand for a jury trial pursuant to Rule 4-301(b)(1)(A) the State shall comply with Rule 4-262.

If this matter is a demand for a jury trial pursuant to Rule 4-301(b)(1)(A) the Defense hereby demands discovery pursuant to Rule 4-262(d)(1) and (2); Rule 4-262(d)(2) being the subsection for disclosure by the State's Attorney on request of the Defense. The Defense hereby requests and demands discovery in accordance with the Rule.

### **POINTS AND AUTHORITIES**

U.S. Constitution, Due Process Clause, 4<sup>th</sup> and 14<sup>th</sup> Amendments

Brady v. Maryland, 373 U.S. 83 (1963)

Rule 4-262 – Discovery in District Court

Rule 4-263 – Discovery in Circuit Court

Rule 4-301 – Beginning of trial in District Court

### **MOTIONS PURSUANT TO MARYLAND RULE 4-252**

Pursuant to Maryland Rule 4-252, Defendant, through the Office of the Public Defender, respectfully represents that:

1. Any in-court identification at the trial of the Defendant will be tainted as a result of impermissible suggestive identification procedures undertaken by police authorities and/or will be the result of an illegal arrest or search.
2. Evidence seized in this case was obtained as the result of an illegal: search and seizure, interception of wire or oral communication, electronic surveillance, including but not limited to any cell-site simulator device such as (stingray) or other device, or illegal pre-trial identification.
3. Any statements or confessions taken from the Defendant were involuntary and were elicited during custodial interrogation without the observance of the procedural safeguards required by law.
4. The Defendant will be prejudiced by the joinder of the Defendant's trial with that of any Co-Defendants and that the Defendant will be prejudiced by the joinder of charges arising from separate incidents and moves to sever. The Defendant objects to any state motion to join defendants for trial.
5. The charging document is defective, duplicitous, and operates to deny Defendant due process of law.

6. This prosecution was defectively instituted.

7. This prosecution is barred because of a statute of limitations, immunity, former jeopardy, and/or delay of prosecution, including but not limited to a violation of the Defendant's right to a speedy trial, pursuant to the 180 day rule under Hicks, and his constitutional right to a speedy trial.

WHEREFORE, Defendant prays for the following relief:

- A. Dismissal of the charging document;
- B. Suppression of any in-court identification at the trial and/or illegally seized evidence and/or statements or confessions, illegally intercepted wire or oral communication, or pre-trial identification;
- C. Severance of indictments/information and/or severance of his trial from that of any and all Co-Defendants; and
- D. Any and all further relief available by law.

### **POINTS AND AUTHORITIES**

U.S. Constitution, Due Process Clause, 4<sup>th</sup> and 14<sup>th</sup> Amendments  
Article 21, 26, Maryland Declaration of Rights  
Brady v. Maryland, 373 U.S. 83 (1966)  
Brown v. Illinois, 422 U.S. 590 (1975)  
Brown v. Texas, 443 U.S. 47 (1979)  
Dickerson v. United States, 530 U.S. 428 (2000)  
Ferris v. State, 355 Md. 356 (1999)  
Jones v. State, 343 Md. 448 (1996)  
Laws and Dorman v. State, 6 Md.App. 243, 251 A.2d 237 (1969)  
Manson v. Brathwaite, 432 U.S. 98 (1977)  
McKnight v. State, 280 Md. 604 (1977)  
Miranda v. Arizona, 34 U.S. 436 (1966)  
Neil v. Biggers, 409 U.S. 188 (1972)  
Schneekloth v. Bustamonte, 412 U.S. 218 (1973)  
Simmons v. United States, 390 U.S. (1969)  
State v. Andrews, 227 Md.App 350 (2016)  
State v. Hicks, 285 Md. 310 (1979)  
Williams v. State, 226 Md. 614, 174 A.2d 719 (1961)  
Wong Sun v. United States, 371 U.S. 471 (1963)  
Art. 6 §103, Trial Date. Courts and Judicial Procedure, MD CODE  
Rule 4-102 – Definitions  
Rule 4-202 – Charging document – Content  
Rule 4-203 – Charging document – Joinder of offenses and defendants  
Rule 4-204 – Charging document – Amendment  
Rule 4-253 – Joint or separate trials  
Rule 4-271 – Trial Date

**DEMAND FOR PRESENCE OF CHEMIST,  
BREATHALYZER OPERATOR, ANALYST AND ALL PERSONS  
IN THE CHAIN OF CUSTODY OF EVIDENCE**

The Defendant, through the Office of the Public Defender, pursuant to Courts and Judicial Proceedings Article 10-914 and 10-1003, demands that the State's Attorney produce at trial as a prosecution witness, the chemist, analyst, technician, or other person who analyzed any substance alleged by the prosecution to be a controlled dangerous substance, including any substance used as a standard of comparison. Additionally, Defendant demands the presence at trial as prosecution witnesses of all persons in the "chain of custody" as defined in Maryland Courts & Judicial Proceedings Article §10-1002(a) of any such alleged controlled dangerous substance or any person who had possession or custody of any of these alleged controlled dangerous substances, including any substance used as a standard of comparison. The Defendant, pursuant to Courts and Judicial Proceedings Article 10-302 through 10-309, demands the presence of any breathalyzer operator or blood technician or analyst and the person or person who obtained the sample, as well as any persons in the Chain of Custody of said evidence which was analyzed to be present to testify in the above referenced case.

OFFICE OF THE PUBLIC DEFENDER

/s/ Michele Vignola  
Michele Vignola (CPF # 9901070040)  
Assistant Public Defender  
1700 Margaret Avenue  
Annapolis MD 21401  
Michele.Vignola@maryland.gov  
(410) 295-8800

**CERTIFICATES OF SERVICE**

**I HEREBY CERTIFY**, that on this 8<sup>th</sup> day of September 2023, a copy of the foregoing was electronically e-filed through MDEC and served on the State's Attorney for Anne Arundel County.

/s/ Michele Vignola  
Michele Vignola